

BILL ANALYSIS

H.B. 3166
By: Swinford
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Legislative Council is required by law (Section 323.007, Government Code) to carry out a complete nonsubstantive revision of the Texas statutes. The process involves reclassifying and rearranging the statutes in a more logical order, employing a numbering system and format that will accommodate later expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law, if practicable--all toward promoting the stated purpose of making the statutes "more accessible, understandable, and usable" without altering the sense, meaning, or effect of the law.

In 1965, the council adopted a long-range plan of compiling the law into codes arranged by general topics. This bill is the third bill in the council's ongoing project of systematically codifying local laws concerning special districts.

The bill adds chapters to the Special District Local Laws Code, with each chapter representing the local law or laws governing a particular special district.

The council's legal staff has taken meticulous care to ensure that no substantive change has been made in the laws and to preserve any ambiguity or interpretation that may exist in the current laws.

The staff has developed an extensive mailing list, and drafts of the proposed chapters have been distributed to interested persons, including state agencies and representatives of each district whose local law was selected for inclusion, for review and comment. The staff has studied submitted comments and suggestions and has taken action to satisfy any concerns expressed.

The proposed code is a nonsubstantive revision of Texas law. The substance of the law has not been altered. The sole purpose of the proposed chapters is to compile the local laws, arranged in a logical fashion, and rewrite them without altering their meaning or legal effect. If a particular source statute is ambiguous and the ambiguity cannot be resolved without a potential substantive effect, the ambiguity is preserved.

RULEMAKING AUTHORITY

This bill does not expressly delegate rulemaking authority to any state officer, department, agency, or institution, but does codify that authority already delegated by previous law.

ANALYSIS

The bill proposes new chapters of the Special District Local Laws Code, which is a nonsubstantive revision of certain local laws concerning special districts organized by type of district. The bill is organized into four articles.

Article 1 of the bill revises local laws concerning a solid waste management district, certain hospital districts, a development and improvement district, and certain conservation and reclamation districts.

Article 2 of the bill contains conforming amendments to certain of the local laws as necessary to continue without substantive change provisions of law not codified as part of the code.

Article 3 of the bill contains the repealers of the local laws revised in the proposed chapters and of the portions of those local laws that have expired or that have been impliedly repealed.

Article 4 of the bill provides that the legislature intends that no substantive change is made by the bill, that the repeal of a law by the bill does not affect a validation made under the law repealed, and that the bill takes effect April 1, 2009.

EFFECTIVE DATE

The bill is to take effect April 1, 2009, in order to provide affected persons a complete legislative cycle to more closely review what the legislature has enacted.